

EXHIBIT E

1 caliber bullet was a 9 millimeter not suitable for
2 comparison, so stipulated.

3 MR. PALMER: So stipulated.

4 THE COURT: Okay. And ladies and gentlemen,
5 again, earlier in the trial I explained to you
6 what a stipulation is and just an agreement
7 between the parties that if a particular witness
8 were called and in this case it would have been
9 Mr. Chenow, if he was called to testify he would
10 testify as was set out in the stipulation and you
11 can consider that to be evidence. Okay. Go
12 ahead, state.

13 MS. SUDENDORF: We would be calling Detective
14 Guevara.

15 THE CLERK: Raise your right hand.

16 (Witness sworn.)

17 THE CLERK: Have a seat.

18 MS. SUDENDORF: May I proceed?

19 THE COURT: Please.
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1 DET. REYNALDO GUEVARA,
2 called as a witness on behalf of the People of the
3 State of Illinois, having been first duly sworn,
4 was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY

7 MS. SUDENDORF:

8 Q Detective, state your name, spell your
9 name, give your str number and where you're
10 assigned?

11 A Reynaldo Guevara, G-u-e-v-a-r-a, star
12 number 20861, I'm assigned to area Area 5 Violent
13 Crimes, Chicago Police Department.

14 Q How long have you been assigned as a
15 detective to Area 5 Violent Crimes?

16 A Since 1989.

17 Q And prior to that, were you working with
18 the Chicago Police Department?

19 A Yes, I was.

20 Q How many years have you worked in the
21 Chicago Police Department?

22 A Total of 24 years.

23 Q Before working in the Violent Crimes
24 Section, where did you work as a detective?

1 A I as a gang crimes specialist for the
2 Chicago Police Department.

3 Q And in what specific area?

4 A The north side, mainly in the 14th
5 District area.

6 Q And for how many years were you a gang
7 crimes specialist?

8 A For 15 years.

9 Q Prior to joining the police department
10 what did you do as an occupation?

11 A I was a refrigeration heating and air
12 conditioning man.

13 Q I'm going to draw your attention to May
14 of 1995, were you working in the area Area 5
15 detective unit?

16 A Yes, I was.

17 Q And drawing your attention specifically
18 to May 24th, of 1995, did you become involved in
19 the homicide investigation involving a Noel
20 Andujar?

21 A Yes, I did.

22 Q I'm going to draw your attention to prior
23 to May 24th, 1995 and this day being May 20th, of
24 1995, were you involved in yet another or separate

1 homicide investigation at that time?

2 A Yes, I was.

3 Q And at that time, was that the homicide
4 investigation of a person by the name of Ruben
5 Gonzales?

6 A Yes, Ma'am.

7 Q And in so doing, did you go visit
8 anybody?

9 A Yes, I did.

10 Q Who did you go visit?

11 A I went to 3501 West Belden to visit
12 Esther Reyes, the mother of the deceased.

13 Q And that was the mother of Ruben
14 Gonzales?

15 A Yes.

16 Q Who did you go there with?

17 A With my partner, Detective Halvorsen.

18 Q When you went to that location, did you
19 actually approach the residence of Miss Esther
20 Reyes?

21 A Yes, I did.

22 Q As you approached the residence of Miss
23 Esther Reyes, did anybody else come to that
24 location?

1 THE COURT: Sure.

2 (Whereupon, the following proceedings
3 were had in open Court, outside
4 the presence and hearing of
5 the jury, to-wit:)

6 MR. SARLEY: Trying to get the statements in.
7 What they're trying to do is get the statements of
8 Mrs. Reyes and the statements of this person that
9 walked up to Mrs. Reyes to establish motive in
10 this case. It's not just being offered, I don't
11 know, to say what he said but to prove a motive
12 and it's being used for substantive purposes.

13 MS. SUDENDORF: We're trying to establish how
14 this investigation proceeded and based on the
15 conversation that he had, not being offered for
16 the truth of the matter, it's not,, the
17 information where he goes next.

18 THE COURT: What do you expect him to say
19 right now? Expressed his condolences.

20 MS. SUDENDORF: Correct, and then he went to
21 his car and the officer asked her who those people
22 are. She gives the officer 2 names and it's how
23 -- then he goes and talks to the gang crimes guy
24 who tells who the people are, Thomas and Hector

1 Montanez. The course of the investigation.

2 MR. SARLEY: What does express condolences
3 have to do with who is in the car, what it does is
4 gives them a motive through hearsay, that's what
5 it does.

6 THE COURT: The point of the matter is that
7 the hearsay rule, it's being offered for the truth
8 of the matter asserted. Are they offering to
9 prove he's really sorry the person died?

10 MR. SARLEY: Yes, what he said, that he's
11 sorry the guy died, to put it on him by shooting
12 the other guy, that's how, absolutely.

13 MS. SUDENDORF: We're not. We're not.

14 MR. SARLEY: They saw a conversation and then
15 they saw the guy in the car and they got
16 information on who that was without going into
17 it. It's already out, expressing condolences,
18 already out. Why can't they say they got a guy in
19 the car? They're going to say they have the
20 picture and put it in a photo spread. Why can't
21 they say they saw him, got his picture and put it
22 in the spread based on him being in the car when
23 the detective learned about this investigation,
24 they put the photo in the spread because they saw

1 him in the car. Why can't they say that? They
2 want to get the motive in through hearsay.

3 MS. SUDENDORF: As I said, not for the truth
4 of the matter but that's what the officer was
5 doing in that investigation and that's what
6 occurred and based on what occurred, what
7 transpired he made inquiry as to whose these
8 individuals were for purposes of getting photos
9 together.

10 MR. SARLEY: Not until after the shooting.

11 THE COURT: I'm sorry?

12 MR. SARLEY: He didn't get the photographs to
13 show to these witnesses until after the shooting,
14 you know when I say the shooting I mean this case.

15 MS. SUDENDORF: Oh, sure.

16 THE COURT: All right well you know what,
17 this isn't a big deal, if you don't want the
18 condolences being expressed I don't care. Just
19 say you know, that they observed them having a
20 conversation.

21 MR. SARLEY: That's fine as long as they
22 observed him having a conversation.

23 THE COURT: With an expression of his
24 feelings. I'll sustain it as to that.

1 MR. SARLEY: As long as he does that.

2 THE COURT: I'll sustain it as to that.

3 (Whereupon, the following proceedings
4 were had in open Court, within
5 the presence and hearing of
6 the jury, to-wit:)

7 THE COURT: All right. Sustained. Ask
8 another question.

9 MS. SUDENDORF:

10 Q Were you present when Hector -- excuse
11 me, were you present when that individual had a
12 conversation with Mrs. Reyes?

13 A Yes, I was.

14 Q And after that conversation occurred, did
15 you see that individual return to that vehicle?

16 A Yes, he did.

17 Q And after he returned to that vehicle,
18 did you make any inquiries of Miss Esther Reyes at
19 that time?

20 A Yes, I did.

21 Q What did you ask her?

22 MR. SARLEY: Objection.

23 A I asked her who were the 2 individuals

24 --.

1 THE COURT: Overruled.

2 A -- that pulled, that came to her house.

3 MS. SUDENDORF:

4 Q And did she tell you who they were?

5 A Yes, she did.

6 Q What did she sell you?

7 A She said the driver is Little Hector and
8 the passenger is Junito, friends of my son.

9 MR. SARLEY: Objection, objection.

10 THE COURT: What is your objection?

11 MR. SARLEY: Well, once again that's hearsay.

12 THE COURT: All right, overruled.

13 A They were friends of my son.

14 MR. SARLEY: Objection to anything further.

15 I don't know what he's going to say, Judge, but --

16 THE COURT: Just come on up here.

17 (Whereupon, the following proceedings
18 were had in open Court, outside
19 the presence and hearing of
20 the jury, to-wit:)

21 THE COURT: Where are we going now?

22 MS. SUDENDORF: All she told him they were
23 Junito and Hector and friends of her sons and
24 Imperial Gangsters.

1 THE COURT: Okay. And you're offering that
2 for what?

3 MS. SUDENDORF: That's it, it's in the
4 report.

5 MR. SARLEY: It could be in the report, it
6 could be in the report until the cops come,
7 doesn't make it right.

8 THE COURT: What is the purpose you're
9 offering it?

10 MS. SUDENDORF: Being offered for the purpose
11 of what this officer does with that information,
12 and subsequent information.

13 THE COURT: All right. Overruled.

14 MS. SUDENDORF: Not for the truth.

15 MR. SARLEY: Let me ask you this, once --
16 okay, once he finds out the names of these people,
17 I mean, is it going to be limited to that or more
18 to this, what this officer will say.

19 THE COURT: You want him to say they're --
20 she says they're Imperial Gangsters.

21 MS. SUDENDORF: Correct.

22 THE COURT: That explains the conduct of the
23 officer.

24 MS. SUDENDORF: Correct.

1 And further investigation after he
2 learns from the report what is involved, okay, he
3 then goes to the gangs crimes guys to find out if
4 they know, if he knows the gang crime situation
5 because of them being Imperial Gangsters, they go
6 to gang crimes and they have a picture of this guy
7 named Hector. It is explained how.

8 THE COURT: Who is Junito. Okay,
9 overruled.

10 MR. SARLEY: It's limited to that then?

11 THE COURT: From what they've told me so
12 far, it is, I would assume so.

13 (Whereupon, the following proceedings
14 were had in open Court, within
15 the presence and hearing of
16 the jury, to-wit:)

17 THE COURT: Overruled, go ahead.

18 MS. SUDENDORF:

19 Q What did she tell you?

20 A She says that they were friends of her
21 son and they were members of the Imperial
22 Gangsters.

23 Q Now, drawing your attention to May 24th,
24 of 1995, when you become involved in the

1 investigation of the homicide of Noel Andujar, did
2 you read any reports subsequent to your becoming
3 involved in that investigation?

4 A Briefly, yes.

5 Q And did you learn anything on the reports
6 that had been generated thus far?

7 A Yes Ma'am.

8 Q What did you learn, sir?

9 A I learned the description of the vehicle
10 used in the homicide.

11 Q And what description was that?

12 A That was a Buick Park Avenue, black or
13 blue 4 door short body, wire wheels and light
14 tinted windows.

15 Q Did you recognize that description?

16 A Yes, I did.

17 Q How did you recognize that description,
18 officer?

19 A I recognized that description as the car
20 that I saw pull over at Mrs. Reyes' house.

21 Q After reading that report, and making
22 that recognition what is the next thing you did in
23 this investigation?

24 A At that point I contacted gang crimes

1 specialist Figueroa and asked him if he knew
2 Junito and Little Hector from the Imperial
3 Gangsters.

4 Q Did gang crimes specialist Figueroa give
5 you anything at that point or present you with
6 anything at that point?

7 A Yes, he did, he gave me a photo, 2
8 photos, one of Little Hector and one of Junito.

9 Q Did you recognize the people that were in
10 that photos, those photos?

11 A Yes, I did.

12 Q Who did you recognize those people as?

13 A I recognized those as the people that
14 were inside the car when the car pulled over to
15 Mrs. Reyes' house.

16 Q I'm going to show you what has been
17 previously marked as People's Group exhibits
18 number 13 A through E. May I approach the
19 witness?

20 THE COURT: Uh-hum, yes.

21 MS. SUDENDORF:

22 Q Showing you what has been marked as
23 People's group exhibit A through E, do you see the
24 photos in there that were given to you by gang

1 specialist Figueroa?

2 A Yes, I do.

3 Q Which 2 photos are those?

4 Indicating for the record he has
5 taken out photo 13 C, Sierra and 13 D Hector
6 Montanez.

7 Do you see the person present in
8 Court that you saw in that vehicle on May 20th,
9 1995?

10 A Yes, I do.

11 Q Would you please point that individual
12 out for the ladies and gentlemen of the jury?

13 A Him, the gentleman over there with the
14 white shirt.

15 MS. SUDENDORF: Indicating for the record the
16 defendant, Thomas Sierra.

17 THE COURT: Yes.

18 MS. SUDENDORF:

19 Q Is that the person that you saw driving
20 the vehicle or the passenger of the vehicle that
21 you saw it on May 20th, 1995?

22 A He was the passenger.

23 Q Once you received these photos,
24 Detective, what is the next thing that you did

1 with respect to this investigation?

2 A I looked for several other photos so I
3 can conduct a photo line up with the witnesses.

4 Q And did you in fact conduct such a photo
5 array with an individual Alberto Rodriguez?

6 A Yes.

7 Q And did you go to Mr. Rodriguez' home?

8 A Yes, I did.

9 Q Who did you go there with?

10 A I went with there with my partner
11 Detective Halvorsen and with Detective McMurray.

12 Q And did you show Alberto Rodriguez or was
13 Alberto Rodriguez shown the photo array?

14 A Yes.

15 Q Did he identify anybody from the photo
16 array?

17 A Yes, he did.

18 Q And who did he identify in that photo
19 array?

20 A He identified the photo of Thomas Sierra
21 as the shooter.

22 Q Did he indicate whether he saw anybody
23 else in the vehicle besides the shooter at that
24 time?

1 A No, he didn't.

2 MR. SARLEY: Objection, relevance.

3 THE COURT: Overruled.

4 MS. SUDENDORF:

5 Q Did you try to locate anybody else on
6 that evening of May 25, of 1995?

7 A Yes, I did.

8 Q Who is that?

9 A I tried to locate Melendez.

10 Q And were you successful in locating him
11 that evening?

12 A No I was not.

13 Q Drawing your attention to May 30, 1995,
14 did you resume this investigation of the homicide
15 of Noel Andujar?

16 A Yes, I did.

17 Q And at that time, did you contact anybody
18 to come to Area 5?

19 A Yes, I did.

20 Q Who was that?

21 A I contacted Jose Melendez and Alberto
22 Rodriguez to come into Area 5.

23 Q Did they come to Area 5?

24 A Yes, they did.

1 Q And did you pick them up?

2 A No, I did not.

3 Q How did they come to Area 5?

4 A They drove to Area 5.

5 Q Did anybody from the Chicago Police
6 Department go get them?

7 A No, Ma'am.

8 Q When they came to Area 5, did you have an
9 opportunity to speak with Mr. Melendez?

10 A Yes, I did.

11 Q And did you know Mr. Melendez from
12 before?

13 A Yes, I did.

14 Q How do you know him from?

15 A I knew him as a member of the Latin Kings
16 for many many years.

17 Q What is his nickname?

18 A Macho.

19 Q And did you have a conversation with Mr.
20 Melendez?

21 A Yes, I did.

22 Q And was that conversation concerning the
23 homicide of Noel Andujar?

24 A Yes, Ma'am.

1 Q And during that conversation, did you
2 show Mr. Melendez anything?

3 A Yes, I did.

4 Q What did you show him?

5 A I showed him the same photo array that I
6 showed Rodriguez at his house.

7 Q And when you showed the photo array to
8 Mr. Melendez did you ask anything of Mr. Melendez?

9 A I asked him if he can look through the
10 photos and see if he sees the person or anybody
11 that he saw the night of the shooting.

12 Q And what did he say?

13 A Yes, he says he can only identifying the
14 shooter and pointed to him.

15 Q I'm going to show you what has been
16 marked again as People's Exhibit number 13 A
17 through E. A through F, and could you please
18 demonstrate to the ladies and gentlemen of the
19 jury how you presented these photos to Jose
20 Melendez at Area 5 Violent Crimes?

21 A It was in the office where all the
22 detectives make the report, 1, 2, 3 desks and
23 computer on each desk. I picked one of the desks
24 and I laid the photos out like this and then I

1 asked him to look through the photos to see if he
2 sees anybody he saw the night of the shooting.

3 Q And what did he do?

4 A He said yes, he did, he went right to the
5 photo of the shooter, he said this is the shooter.

6 MS. SUDENDORF: May the record reflect the
7 witness has laid out the 6 photos in front of him
8 3 on the top and 3 on the bottom and pointed with
9 his finger on the top of the photo depicting
10 Thomas Sierra.

11 THE COURT: Yes.

12 MS. SUDENDORF:

13 Q Did you at any time when you were with
14 Mr. Melendez indicate which is the person that
15 shot Noel Andujar?

16 A No, Ma'am.

17 Q Did you hold any of the pictures, 13 A
18 through F in your hand as you conducted the photo
19 array with Jose Melendez?

20 A No, I did not.

21 Q Specifically, did you ever hold People's
22 Exhibit number 13 C in your hand and indicate to
23 Mr. Melendez this was the shooter in the case?

24 A Definitely not.

1 Q Did you ever -- strike that.

2 Did you ever indicate to Mr.
3 Melendez that what if any gang membership any of
4 the people had in 13 A through F?

5 A No, Ma'am, I did not.

6 Q Did you even say these people are gang
7 members?

8 A No, Ma'am.

9 Q Did you say anything other than what you
10 just told the ladies and gentlemen of the jury as
11 what you asked Mr. Melendez prior to showing the
12 photos to him?

13 A No.

14 Q After the photo array, did you have an
15 opportunity to conduct anything else in
16 furtherance of your investigation of this murder?

17 A Yes, I did.

18 Q What did you conduct?

19 A A line up.

20 Q And that line up was conducted where?

21 A At Area 5.

22 Q And who participated in that line up?

23 A 6 people participated including the
24 suspect in the line-up.

1 Q And who viewed the line-up?

2 A The line-up was viewed by Rodriguez and
3 after Rodriguez viewed it, it was also viewed by
4 Melendez.

5 Q And was each of the line-ups conducted
6 separately?

7 A Yes, Ma'am.

8 Q Could you please tell the ladies and
9 gentlemen of the jury how these line-ups occurred?

10 A There is a large room divided into 2
11 rooms with a one way mirror in the center and on
12 this side of the room is where the participants in
13 the line-ups are, and on this side of the room is
14 where the person who is going to view the line-up
15 is. Or will be to view the line-up.

16 Q I'm going to show you what has been
17 marked as People's Exhibit number 39 for
18 identification. Do you recognize what this is?

19 A Yes, I do.

20 Q And what is that?

21 A These are the participants that
22 participated in the line up at that time that I
23 conducted at Area 5.

24 Q And is that the line-up that Mr.

1 Rodriguez observed?

2 A Yes, Ma'am.

3 Q Was that the line-up that Mr. Melendez
4 observed?

5 A Yes, Ma'am.

6 Q And after Mr. Melendez observed that line
7 up, did he indicate anything to you?

8 A Yes.

9 Q What did he tell you?

10 A He pointed to the number 2 fellow in the
11 line up and says that's the guy that was shooting
12 at me in the car.

13 Q I'm going to ask you to take a black
14 magic marker and place an X over the individual
15 that Mr. Melendez identified as being the person
16 who shoot at him and Mr. Noel Andujar.

17 The witness has placed an X on
18 People's Exhibit number 39.

19 I would also ask if you could write
20 on the top Jose Melendez.

21 Do you see the person in Court that
22 Mr. Melendez identified in the line-up?

23 A Yes, I do.

24 Q Could you please point to that

1 individual?

2 A It's the same gentleman I pointed out
3 previously.

4 MS. SUDENDORF: Indicating for the record Mr.
5 Mr. Sierra.

6 THE COURT: Yes.

7 MS. SUDENDORF:

8 Q Did Mr. Melendez have any hesitancy
9 identifying Mr. Sierra on that evening of May 30th
10 of 1995?

11 A No, Ma'am, he didn't.

12 Q Either in the line up?

13 A No, Ma'am.

14 Q Or in the photo array?

15 A No, Ma'am, he didn't.

16 Q Did you or anybody from the Chicago
17 Police Department ever suggest who to identify in
18 that line up?

19 A No, Ma'am, I did not.

20 Q While you were at Area 5 conducting this
21 investigation, did anybody apprise you that a car
22 had been brought to Area 5?

23 A Yes.

24 Q And after this car was brought to Area 5,

1 what did you do next, Detective?

2 A At that point, I asked both Rodriguez and
3 Melendez to go downstairs to the parking lot with
4 me, the front parking lot and to look through the
5 parking lot to see if they see the car that they
6 saw the night of the shooting.

7 Q And did they do that?

8 A Yes, they did.

9 Q How did they do that, Detective?

10 A They walked up and down the parking lot
11 and picked out the car that was in the -- that
12 they saw the night of the shooting.

13 Q How many cars were out there that night,
14 sir?

15 A Approximately between 50 and 80 cars. I
16 don't know exactly how many.

17 Q Did you direct Mr. Rodriguez or Mr.
18 Melendez over to any specific car?

19 A No, I did not.

20 Q How is it that that car was pointed out
21 to you sir, what were the circumstances, how was
22 it pointed out to you?

23 A They walked up and down the aisle and
24 when they came to the car they said this is the

1 car that was used in the murder.

2 Q Do you recall who specifically said that
3 to you sir?

4 A No, I don't.

5 Q Whether it was Rodriguez or Melendez?

6 A No, I don't, I believe it was both of
7 them, I'm not sure.

8 Q Did you recognize that car?

9 A Yes, I did.

10 Q How did you recognize that car, sir?

11 A I recognized that car as being the one
12 that drove up to Mrs. Reyes' house.

13 Q I'm going to show you what has been
14 marked as People's Exhibit number 10 for
15 identification. Do you recognize what is depicted
16 in People's Exhibit number 10?

17 A Yes, I do, this is the car that I saw
18 drove up to Mrs. Reyes' house.

19 Q That's on the 20th, is that correct?

20 A That is correct.

21 Q Is that the car that was identified by
22 Rodriguez and Melendez on the evening of May 30,
23 1995?

24 A Yes, Ma'am, this is also the car.

1 Q Was that the same position it was in when
2 they identified it or was it in a different
3 position at the time?

4 A It was in a different position, this for
5 the purpose of taking the photo of the car was
6 moved from one place to another.

7 Q Was there anything else different with
8 respect to the car that had been -- was there
9 anything different with respect to the car from
10 the time you saw it on May 20th to the time you
11 saw it on May 30?

12 A It's the same with the exception of the
13 windows, they probably removed the tint.

14 MR. SARLEY: Objection, your Honor,
15 objection.

16 THE COURT: Sustained, that will be
17 stricken.

18 MR. ALESIA:

19 Q Was there any tint on these windows?

20 A Not on those, no.

21 Q Was a felony review assistant
22 subsequently called to Area 5 for this
23 investigation?

24 A Yes, he was.

1 Q Was that Assistant State's Attorney
2 William Farrell?

3 A Yes, Ma'am.

4 Q Did he in fact come to Area 5?

5 A Yes, Ma'am, he did.

6 Q Upon arriving at Area 5, did he speak
7 with you and the other detectives that were
8 working on the case at the time?

9 A Yes, he did.

10 Q And after that, did he speak with anybody
11 at Area 5?

12 A Yes, he did.

13 Q Who did he speak with?

14 A He spoke with both Rodriguez and
15 Melendez.

16 Q And were you present when he spoke with
17 both of those individuals?

18 A Yes, I was.

19 Q And when he spoke with Mr. Melendez, did
20 Mr. Melendez tell the Assistant State's Attorney
21 what he had told you what he knew about the murder
22 of Noel Andujar?

23 A Yes, Ma'am, basically, yes.

24 Q And at that time, did the Assistant

1 State's Attorney ever ask you to leave the area
2 where you were talking with Mr. Melendez?

3 A Yes, he did.

4 Q For how long, sir?

5 A About a minute or so.

6 Q Did you return to where Mr. Melendez and
7 Mr. Farrell were?

8 A Yes.

9 Q And when you returned to that location,
10 what if anything was Mr. Farrell doing at that
11 time?

12 A At that point, Mr. Farrell asked Melendez
13 if he would give a handwritten statement or a
14 Court Reporter statement.

15 Q And what if anything did Mr. Melendez do?

16 A He said he would give a handwritten
17 statement, yes.

18 Q Were you present at that time?

19 A Yes, I was.

20 Q And were you present when the statement
21 was being written out?

22 A Yes, Ma'am, I was..

23 Q I'm going to show you what has been
24 marked as People's Exhibit number 14 for

1 identification. Do you recognize what this is?

2 A Yes, I do.

3 Q What is that?

4 A This is the statement, the original
5 statement that was taken from Jose Melendez on
6 that day.

7 Q Okay. And this is the statement that was
8 prepared by the Assistant State's Attorney?

9 A Yes, Ma'am.

10 Q And that was done in your presence, is
11 that correct?

12 A Yes, Ma'am.

13 Q And you signed this statement, is that
14 correct?

15 A Yes, Ma'am.

16 Q As did Mr. Melendez?

17 A Yes, Ma'am.

18 Q As did Mr. Farrell, is that correct?

19 A Yes.

20 Q And there were corrections made to this
21 statement?

22 A Yes, there were.

23 Q Did you ever prepare this statement, did
24 you ever write any of the writing that is on this

1 statement?

2 A No, Ma'am, except my initials.

3 Q Your signature, is that correct?

4 A Yes.

5 Q And your initials appear also, is that
6 correct?

7 A Yes, Ma'am.

8 Q Did you ever tell Mr. Melendez that he
9 should sign this statement?

10 A No, Ma'am, I did not.

11 Q Did Mr. Melendez make all the corrections
12 to this statement or indicate all the corrections
13 to the statement to Mr. Farrell?

14 A Yes.

15 Q And those corrections were with
16 initialed, correct?

17 A Yes.

18 Q And then it was signed, correct?

19 A Yes, Ma'am.

20 Q You were involved in this investigation,
21 is that correct?

22 A Yes.

23 Q Was there ever any gun that was recovered
24 in this investigation?

1 A Not to the best of my knowledge.

2 Q Were you ever able to recover any type of
3 weapon in this investigation of this homicide?

4 A I don't believe so.

5 MS. SUDENDORF: One moment, please.

6 I tender the witness.

7 THE COURT: Cross.

8 MR. PALMER: Thank you, Judge.

9 CROSS EXAMINATION

10 BY

11 MR. PALMER:

12 Q Detective, you stated that you didn't
13 recover any guns in this case, right?

14 A I didn't recover anything.

15 Q Okay. When you found this Buick Park
16 Avenue there were no shells in it, correct?

17 A I didn't go to the Park Avenue.

18 Q To the best of your knowledge no shells
19 were recovered from it, correct?

20 A I have no idea if anything was recovered
21 from it.

22 Q Okay. Now you stated that the first time
23 that you saw this car was May 20th of 1995, right?

24 A That's correct.

1 asked him to look through the photos to see if he
2 sees anybody he saw the night of the shooting.

3 Q And what did he do?

4 A He said yes, he did, he went right to the
5 photo of the shooter, he said this is the shooter.

6 MS. SUDENDORF: May the record reflect the
7 witness has laid out the 6 photos in front of him
8 3 on the top and 3 on the bottom and pointed with
9 his finger on the top of the photo depicting
10 Thomas Sierra.

11 THE COURT: Yes.

12 MS. SUDENDORF:

13 Q Did you at any time when you were with
14 Mr. Melendez indicate which is the person that
15 shot Noel Andujar?

16 A No, Ma'am.

17 Q Did you hold any of the pictures, 13 A
18 through F in your hand as you conducted the photo
19 array with Jose Melendez?

20 A No, I did not.

21 Q Specifically, did you ever hold People's
22 Exhibit number 13 C in your hand and indicate to
23 Mr. Melendez this was the shooter in the case?

24 A Definitely not.

1 Q Did you ever -- strike that.

2 Did you ever indicate to Mr.
3 Melendez that what if any gang membership any of
4 the people had in 13 A through F?

5 A No, Ma'am, I did not.

6 Q Did you even say these people are gang
7 members?

8 A No, Ma'am.

9 Q Did you say anything other than what you
10 just told the ladies and gentlemen of the jury as
11 what you asked Mr. Melendez prior to showing the
12 photos to him?

13 A No.

14 Q After the photo array, did you have an
15 opportunity to conduct anything else in
16 furtherance of your investigation of this murder?

17 A Yes, I did.

18 Q What did you conduct?

19 A A line up.

20 Q And that line up was conducted where?

21 A At Area 5.

22 Q And who participated in that line up?

23 A 6 people participated including the
24 suspect in the line-up.

1 Q And who viewed the line-up?

2 A The line-up was viewed by Rodriguez and
3 after Rodriguez viewed it, it was also viewed by
4 Melendez.

5 Q And was each of the line-ups conducted
6 separately?

7 A Yes, Ma'am.

8 Q Could you please tell the ladies and
9 gentlemen of the jury how these line-ups occurred?

10 A There is a large room divided into 2
11 rooms with a one way mirror in the center and on
12 this side of the room is where the participants in
13 the line-ups are, and on this side of the room is
14 where the person who is going to view the line-up
15 is. Or will be to view the line-up.

16 Q I'm going to show you what has been
17 marked as People's Exhibit number 39 for
18 identification. Do you recognize what this is?

19 A Yes, I do.

20 Q And what is that?

21 A These are the participants that
22 participated in the line up at that time that I
23 conducted at Area 5.

24 Q And is that the line-up that Mr.

1 Rodriguez observed?

2 A Yes, Ma'am.

3 Q Was that the line-up that Mr. Melendez
4 observed?

5 A Yes, Ma'am.

6 Q And after Mr. Melendez observed that line
7 up, did he indicate anything to you?

8 A Yes.

9 Q What did he tell you?

10 A He pointed to the number 2 fellow in the
11 line up and says that's the guy that was shooting
12 at me in the car.

13 Q I'm going to ask you to take a black
14 magic marker and place an X over the individual
15 that Mr. Melendez identified as being the person
16 who shoot at him and Mr. Noel Andujar.

17 The witness has placed an X on
18 People's Exhibit number 39.

19 I would also ask if you could write
20 on the top Jose Melendez.

21 Do you see the person in Court that
22 Mr. Melendez identified in the line-up?

23 A Yes, I do.

24 Q Could you please point to that

1 individual?

2 A It's the same gentleman I pointed out
3 previously.

4 MS. SUDENDORF: Indicating for the record Mr.
5 Mr. Sierra.

6 THE COURT: Yes.

7 MS. SUDENDORF:

8 Q Did Mr. Melendez have any hesitancy
9 identifying Mr. Sierra on that evening of May 30th
10 of 1995?

11 A No, Ma'am, he didn't.

12 Q Either in the line up?

13 A No, Ma'am.

14 Q Or in the photo array?

15 A No, Ma'am, he didn't.

16 Q Did you or anybody from the Chicago
17 Police Department ever suggest who to identify in
18 that line up?

19 A No, Ma'am, I did not.

20 Q While you were at Area 5 conducting this
21 investigation, did anybody apprise you that a car
22 had been brought to Area 5?

23 A Yes.

24 Q And after this car was brought to Area 5,

1 what did you do next, Detective?

2 A At that point, I asked both Rodriguez and
3 Melendez to go downstairs to the parking lot with
4 me, the front parking lot and to look through the
5 parking lot to see if they see the car that they
6 saw the night of the shooting.

7 Q And did they do that?

8 A Yes, they did.

9 Q How did they do that, Detective?

10 A They walked up and down the parking lot
11 and picked out the car that was in the -- that
12 they saw the night of the shooting.

13 Q How many cars were out there that night,
14 sir?

15 A Approximately between 50 and 80 cars. I
16 don't know exactly how many.

17 Q Did you direct Mr. Rodriguez or Mr.
18 Melendez over to any specific car?

19 A No, I did not.

20 Q How is it that that car was pointed out
21 to you sir, what were the circumstances, how was
22 it pointed out to you?

23 A They walked up and down the aisle and
24 when they came to the car they said this is the

1 car that was used in the murder.

2 Q Do you recall who specifically said that
3 to you sir?

4 A No, I don't.

5 Q Whether it was Rodriguez or Melendez?

6 A No, I don't, I believe it was both of
7 them, I'm not sure.

8 Q Did you recognize that car?

9 A Yes, I did.

10 Q How did you recognize that car, sir?

11 A I recognized that car as being the one
12 that drove up to Mrs. Reyes' house.

13 Q I'm going to show you what has been
14 marked as People's Exhibit number 10 for
15 identification. Do you recognize what is depicted
16 in People's Exhibit number 10?

17 A Yes, I do, this is the car that I saw
18 drove up to Mrs. Reyes' house.

19 Q That's on the 20th, is that correct?

20 A That is correct.

21 Q Is that the car that was identified by
22 Rodriguez and Melendez on the evening of May 30,
23 1995?

24 A Yes, Ma'am, this is also the car.

1 Q Was that the same position it was in when
2 they identified it or was it in a different
3 position at the time?

4 A It was in a different position, this for
5 the purpose of taking the photo of the car was
6 moved from one place to another.

7 Q Was there anything else different with
8 respect to the car that had been -- was there
9 anything different with respect to the car from
10 the time you saw it on May 20th to the time you
11 saw it on May 30?

12 A It's the same with the exception of the
13 windows, they probably removed the tint.

14 MR. SARLEY: Objection, your Honor,
15 objection.

16 THE COURT: Sustained, that will be
17 stricken.

18 MR. ALESIA:

19 Q Was there any tint on these windows?

20 A Not on those, no.

21 Q Was a felony review assistant
22 subsequently called to Area 5 for this
23 investigation?

24 A Yes, he was.

1 Q Was that Assistant State's Attorney
2 William Farrell?

3 A Yes, Ma'am.

4 Q Did he in fact come to Area 5?

5 A Yes, Ma'am, he did.

6 Q Upon arriving at Area 5, did he speak
7 with you and the other detectives that were
8 working on the case at the time?

9 A Yes, he did.

10 Q And after that, did he speak with anybody
11 at Area 5?

12 A Yes, he did.

13 Q Who did he speak with?

14 A He spoke with both Rodriguez and
15 Melendez.

16 Q And were you present when he spoke with
17 both of those individuals?

18 A Yes, I was.

19 Q And when he spoke with Mr. Melendez, did
20 Mr. Melendez tell the Assistant State's Attorney
21 what he had told you what he knew about the murder
22 of Noel Andujar?

23 A Yes, Ma'am, basically, yes.

24 Q And at that time, did the Assistant

1 State's Attorney ever ask you to leave the area
2 where you were talking with Mr. Melendez?

3 A Yes, he did.

4 Q For how long, sir?

5 A About a minute or so.

6 Q Did you return to where Mr. Melendez and
7 Mr. Farrell were?

8 A Yes.

9 Q And when you returned to that location,
10 what if anything was Mr. Farrell doing at that
11 time?

12 A At that point, Mr. Farrell asked Melendez
13 if he would give a handwritten statement or a
14 Court Reporter statement.

15 Q And what if anything did Mr. Melendez do?

16 A He said he would give a handwritten
17 statement, yes.

18 Q Were you present at that time?

19 A Yes, I was.

20 Q And were you present when the statement
21 was being written out?

22 A Yes, Ma'am, I was.

23 Q I'm going to show you what has been
24 marked as People's Exhibit number 14 for

1 identification. Do you recognize what this is?

2 A Yes, I do.

3 Q What is that?

4 A This is the statement, the original
5 statement that was taken from Jose Melendez on
6 that day.

7 Q Okay. And this is the statement that was
8 prepared by the Assistant State's Attorney?

9 A Yes, Ma'am.

10 Q And that was done in your presence, is
11 that correct?

12 A Yes, Ma'am.

13 Q And you signed this statement, is that
14 correct?

15 A Yes, Ma'am.

16 Q As did Mr. Melendez?

17 A Yes, Ma'am.

18 Q As did Mr. Farrell, is that correct?

19 A Yes.

20 Q And there were corrections made to this
21 statement?

22 A Yes, there were.

23 Q Did you ever prepare this statement, did
24 you ever write any of the writing that is on this

1 statement?

2 A No, Ma'am, except my initials.

3 Q Your signature, is that correct?

4 A Yes.

5 Q And your initials appear also, is that
6 correct?

7 A Yes, Ma'am.

8 Q Did you ever tell Mr. Melendez that he
9 should sign this statement?

10 A No, Ma'am, I did not.

11 Q Did Mr. Melendez make all the corrections
12 to this statement or indicate all the corrections
13 to the statement to Mr. Farrell?

14 A Yes.

15 Q And those corrections were with
16 initialed, correct?

17 A Yes.

18 Q And then it was signed, correct?

19 A Yes, Ma'am.

20 Q You were involved in this investigation,
21 is that correct?

22 A Yes.

23 Q Was there ever any gun that was recovered
24 in this investigation?

1 A Not to the best of my knowledge.

2 Q Were you ever able to recover any type of
3 weapon in this investigation of this homicide?

4 A I don't believe so.

5 MS. SUDENDORF: One moment, please.

6 I tender the witness.

7 THE COURT: Cross.

8 MR. PALMER: Thank you, Judge.

9 CROSS EXAMINATION

10 BY

11 MR. PALMER:

12 Q Detective, you stated that you didn't
13 recover any guns in this case, right?

14 A I didn't recover anything.

15 Q Okay. When you found this Buick Park
16 Avenue there were no shells in it, correct?

17 A I didn't go to the Park Avenue.

18 Q To the best of your knowledge no shells
19 were recovered from it, correct?

20 A I have no idea if anything was recovered
21 from it.

22 Q Okay. Now you stated that the first time
23 that you saw this car was May 20th of 1995, right?

24 A That's correct.

1 Q And just for clarification, make sure
2 we're talking about the same car, showing you
3 Defense Exhibit 1, 2 and 3, this is that car we've
4 been talking about, right?

5 A That's correct.

6 Q Just different views of it, right?

7 A Yes, and the windows are not tinted on
8 there.

9 Q Yeah. I understand about the tinted
10 windows, we'll get to that. When you saw the car
11 on May 20th, it was about 4:25 in the afternoon,
12 right?

13 A Correct.

14 Q And you were at Mrs. Reyes' house,
15 correct?

16 A Yes.

17 Q Now the car pulled up, do you recall
18 which side of the car you were looking at, the
19 driver's side or passenger side?

20 A I was looking at the whole car as the car
21 approached the house.

22 Q Okay. And it kept moving the whole time
23 or did it stop?

24 A He came to a complete stop.

1 Q When it stopped when you were at the
2 house, which side were you looking at, the drivers
3 side or passenger side?

4 A The car pulls in here, I'm standing here
5 so I was looking at both.

6 Q You were looking at the front of the car?

7 A At an angle.

8 Q Okay, an angle to the driver's side or
9 the passenger side?

10 A On an angle to the driver's side.

11 Q Thank you. Okay. So, you're looking
12 through sort of the windshield, the front
13 windshield and the driver's side window, that's
14 that's how you're looking into the car, right?

15 A Both the side window and the front
16 windshield, yes.

17 Q That's what I said. Okay. And you're
18 able to see the passenger in the car, correct?

19 A Yes.

20 Q You're able to see the side window has
21 this as you described it today this light tint on
22 it, correct?

23 A That's correct.

24 Q Okay. You didn't take down the plates of

1 the car, right?

2 A No, I did not.

3 Q You didn't see any type of air fresheners
4 in the front window, did you?

5 A I wasn't paying attention to no air
6 freshener in the window.

7 Q You weren't really paying attention to
8 the car, you were really looking at the people?

9 A I was paying attention to the car,
10 whoever was in the car, yes, both.

11 Q But you weren't paying attention to
12 details about the car as you just said, right?

13 A Inside details, right, no.

14 Q Okay. Now, after the car left, you
15 didn't write out any reports to memorialize what
16 you had just seen, right?

17 A No.

18 Q And this was almost 2 years ago, right?

19 A '95, yeah, 2 years ago, right.

20 Q In that time period, about how many cars
21 have you seen?

22 A Thousands and thousands of them.

23 Q But you remember that that particular car
24 that you saw on May 20th, 1995 had light tinted

1 windows?

2 A Light brown tinted windows, yes.

3 Q Light what?

4 A I believe they were light brown tinted
5 windows.

6 Q Light brown tinted. You believe?

7 A I believe so, they were light.

8 Q Do you remember if the car was clean or
9 dirty?

10 A It was clean.

11 Q Do you remember if it had an antenna on
12 it?

13 A That I don't remember.

14 Q Do you remember if it had a front plate
15 on it?

16 A Didn't pay attention to that either.

17 Q Do you remember if it had a back plate on
18 it?

19 A Didn't pay attention to that either.

20 Q Do you remember if the windows were up or
21 down?

22 A I don't recall whether they were up or
23 down.

24 Q But you remember that the windows were

1 light brown tinted?

2 A Yes.

3 Q By the way, you've spoken with the
4 State's Attorneys regarding this case, correct?

5 A Yes.

6 Q You've spoken with your fellow officers
7 regarding this case, is that correct?

8 A No, I don't think so.

9 Q The car that you saw that day, May 20th,
10 1995, had wire wheel covers, correct?

11 A That's correct.

12 Q And about how long did you see the car?

13 A Couple minutes.

14 Q Couple minutes?

15 A Yes.

16 Q During that time, you were watching the
17 man who approached Mrs. Reyes, right?

18 A I was watching the man, the car and
19 whoever was in the car, the other person.

20 Q You were watching at least 3 people plus
21 listening to what the man was saying to Mrs.
22 Reyes, right?

23 A Sure.

24 Q And after the car left, you just asked

1 her who the people were, right?

2 A That's correct.

3 Q And that was it as far as the car at that
4 time, right?

5 A That's correct.

6 Q Now, May 24th, you learned of the
7 shooting of Noel Andujar, right?

8 A That's correct.

9 Q And at that time, you learned of the
10 description of the car that they were looking for
11 was a Buick Park Avenue, right?

12 A Yes.

13 Q Blue or black, right?

14 A Yes.

15 Q With the wheels?

16 A Yes.

17 Q And the tinted glass, right?

18 A That's correct.

19 Q And at that time, you learned that the
20 car they were looking for did have a tinted glass,
21 right?

22 A Yes.

23 Q Didn't say anything about light brown
24 tinted glass, right?

1 A No.

2 Q By the way, the tinted glass that you saw
3 on that car on May 20th, were you -- how close
4 were you to the car?

5 A I was maybe about from here to the chair.
6 MR. PALMER: About, Judge, 10, 15 feet?

7 A No, sir, maybe about 6 feet.

8 MR. PALMER: 6 feet. Okay. So stipulated.

9 MS. SUDENDORF: So stipulated.

10 MR. PALMER:

11 Q From that 6 feet distance were you able
12 to see any of those bubbles that you see sometimes
13 when people put tinting on their window and don't
14 put it on there real good?

15 A I don't recall if I saw any, no, I don't.

16 Q Now, the Park Avenue, especially in that
17 area isn't a unique car, correct?

18 A Among the gang bangers, yes, it is.

19 Q A lot of them have them, right?

20 A Yes.

21 Q And blue and black isn't a real unique
22 color, correct? Fairly common?

23 A Yes.

24 Q And lot of the gang bangers and lot of

1 them, not even gang bangers, just a lot of people
2 have tinted windows, right?

3 A Yes.

4 Q A lot of people have Park Avenues with
5 tinted windows, right?

6 A Yes.

7 Q And those wire spoke tires, those are not
8 anything that is real unique, correct?

9 A That's correct.

10 Q The car that you saw May 20th, there
11 really wasn't anything unique about that car,
12 right?

13 A Not really.

14 Q Now, you went to Alberto Rodriguez' house
15 on the 25th of May, right?

16 A Yes.

17 Q And you went there with the 6 photos?

18 A That's correct.

19 Q Have him take a look at those, right?

20 A Yes.

21 Q And at that time you told him that you
22 wanted him to take a look at the photos?

23 A I didn't say anything, my partner did.

24 Q Your partner did all the talking?

1 A Uh-hum.

2 Q It took Mr. Rodriguez about 5 to 10
3 minutes before he picked out the photo, right?

4 A No, it didn't.

5 Q Now, you arrested Thomas on the 30th of
6 May, right?

7 A No, I did not.

8 Q Well he was arrested on the 30th, right?

9 A Yes, he was.

10 Q And you contacted Mr. Melendez and Mr.
11 Rodriguez?

12 A Yes, I did.

13 Q Had them come to the station?

14 A Yes.

15 Q Told them you thought you might have the
16 guy, come down to the station?

17 A No. No, sir, I did not.

18 Q What did you tell them?

19 A I contacted him, talked to him about the
20 incident and I would like him to see for the
21 purpose of seeing a line up.

22 Q Well, you didn't tell him there was a
23 line up about something that occurred a year
24 before, right?

1 A No, I didn't.

2 Q And you told him it was to see a line up
3 to see if he could identify anybody from that
4 incident, that shooting that occurred on the 23rd,
5 right?

6 A If he can identify anybody, yes.

7 Q Okay. And Mr. Melendez and Mr. Rodriguez
8 came to the station together, right?

9 A Yes, they did.

10 Q They're both Latin Kings, right?

11 A To the best of my knowledge, Melendez
12 is. But I don't know if Rodriguez was.

13 Q Well, during your investigation you
14 didn't learn from other detectives that Rodriguez
15 was also?

16 A No.

17 Q Now, did you have an occasion to speak to
18 Thomas?

19 MS. SUDENDORF: Objection.

20 THE COURT: Come on up.

21 (Whereupon, the following proceedings
22 were had in open Court, outside
23 the presence and hearing of
24 the jury, to-wit:)

1 THE COURT: What is the purpose?

2 MR. PALMER: Not going into any details of
3 it, there is an indication of gang membership, my
4 client being in a gang. Trying to get out whether
5 or not this officer learned that, this is the
6 officer who learned what gang my client was in,
7 not getting into any details of any conversation,
8 not even asking him what the conversation was. If
9 you would like I'll ask the next question.

10 THE COURT: Which is what.

11 MR. PALMER: If you like, I'll strike the
12 question did you know my client was in the
13 Gangsters. I mean, I can get that out either
14 way. I think it's already been gotten out through
15 a couple of witnesses that he's a Gangster.

16 MS. SUDENDORF: But according to the
17 statement, the defendant said this, he is not the
18 officer that mentioned it. I don't think it's
19 proper.

20 THE COURT: Well, do you have some report
21 that says in conversation between these 2 that was
22 brought out?

23 MR. PALMER: Unfortunately based on what
24 we've gotten from other motions I don't believe

1 this officer made any reports, period.

2 MR. ALESIA: He did.

3 MR. PALMER: His signature on those.

4 THE COURT: Is there some report?

5 MR. PALMER: Yeah.

6 THE COURT: The conversation where he said
7 I'm a Gangster.

8 MR. PALMER: They also identify him as being
9 in the Gangsters, all the reports say he's in the
10 Gangsters.

11 MS. SUDENDORF: Ask him if he knew that the
12 defendant was an Imperial Gangster, absent having
13 a conversation with the defendant, he can't.

14 THE COURT: Well, I have no knowledge
15 whether it's in any statement at this point, but
16 what I want to prevent is the statement was there,
17 and from this officer, if you want to ask him a
18 leading question did Mr. Sierra tell you that he
19 was an Imperial Gangster, you can do that.

20 MR. PALMER: Fine. I mean that's the only
21 information I'm looking for, not trying to get
22 anything else.

23 THE COURT: If he says no to that, ask him
24 did you learn he was an Imperial Gangster, if

1 you're saying he wrote the report he knows it.

2 MS. SUDENDORF: I'm just asking, my objection
3 is as to getting in statements that were made
4 improperly.

5 THE COURT: You understand my ruling.

6 MR. PALMER: Yes.

7 THE COURT: Okay.

8 (Whereupon, the following proceedings
9 were had in open Court, within
10 the presence and hearing of
11 the jury, to-wit:)

12 MR. PALMER:

13 Q Detective, -- Mr. -- I should say Thomas
14 is an Imperial Gangster, right?

15 A Yes.

16 Q And the Gangsters and the Kings are
17 opposing gangs, correct?

18 A That is correct.

19 Q Now, you were at the station, Mr.
20 Melendez and Mr. Rodriguez again reiterated that
21 the vehicle was a Park Avenue, right?

22 A Yes.

23 Q With spoke wheels?

24 A Correct.

1 Q Tinted windows?

2 A Yes.

3 Q And when they viewed that vehicle out in
4 the parking lot, they told you that it looked like
5 the same vehicle but it didn't have tinted
6 windows, right?

7 A They told me that's the vehicle.

8 Q But it didn't have tinted windows, right?

9 A I don't remember if they said about the
10 tinted windows or not.

11 Q This vehicle didn't have tinted windows,
12 correct?

13 A Correct.

14 Q The vehicle that they had identified and
15 said was involved in the shooting, had they said
16 that night and in all the reports, it had tinted
17 windows, right?

18 A Yes, they did, they said it.

19 Q Okay. One moment, please, Judge. By the
20 way, Detective, you prepared supplemental reports
21 in this case, is that correct?

22 A I didn't, my partner did.

23 Q Did you sign them and review them?

24 A Yes, I believe so.

1 Q And in reviewing them and signing them
2 you accepted them as your reports, correct?

3 A Yes.

4 Q Now, I would like to show you Defendant's
5 Exhibit number 6. Specifically bringing your
6 attention to page 3, middle of the first
7 paragraph, can you just to yourself read through
8 that paragraph, please?

9 A The first paragraph?

10 Q Yes, to yourself.

11 A Okay.

12 Q Now, it's your testimony here that the
13 car you saw on May 20th, 1995 had light brown
14 tinted windows, right?

15 A I believe they were, I'm not positive
16 about it but they were light tinted windows.

17 Q And you prepared this report that you
18 just read through, that paragraph back on May 30,
19 1995, right?

20 A Again I did not prepare, my partner did.

21 Q It was prepared by your partner at that
22 time?

23 A Yes.

24 Q You had an opportunity to read it,

1 correct?

2 A Yes.

3 Q Make corrections?

4 A No, I didn't make no corrections.

5 Q You had the opportunity to?

6 A I guess.

7 Q Well you could make corrections on the
8 report, right?

9 A It's already typed up.

10 Q You could have made corrections on the
11 report?

12 A I believe so, yeah.

13 Q In this report that was prepared by your
14 partner for you and submitted on your behalf, it
15 does not state that you saw that car on May 20th,
16 with tinted windows, correct?

17 A No, I don't think so.

18 Q It says in there that the car was black
19 colored, Buick Park Avenue 4 door with wire wheel
20 covers, right?

21 A Yes.

22 Q But it doesn't say that it had tinted
23 windows, right?

24 A No.

1 MR. PALMER: Nothing further.

2 REDIRECT EXAMINATION

3 BY

4 MS. SUDENDORF:

5 Q In that same report, that is your report,
6 is that correct, Detective?

7 A Yes.

8 Q And that report was prepared by either
9 yourself or you indicated your partner on or about
10 May 30, 1995, is that correct?

11 A That is correct.

12 Q Where in you documented exactly having
13 seen that vehicle on May 20th, 1995, is that
14 correct?

15 A That is correct.

16 Q And seeing that over at the home of
17 Esther Reyes, correct?

18 A Correct.

19 Q When you saw one individual exit that
20 car, correct?

21 A Correct.

22 Q And the other individual seated in the
23 car, correct?

24 A That is correct.

1 Q And you identified the person that you
2 saw seated in the car as Thomas Sierra, isn't that
3 correct?

4 A That is correct.

5 Q And that's who you learned Junito was,
6 correct?

7 A Yes. Correct.

8 Q That is all documented in the report,
9 correct?

10 A Correct.

11 MS. SUDENDORF: Nothing further.

12 RE CROSS EXAMINATION

13 BY

14 MR. PALMER:

15 Q But the car according to your report, did
16 not have tinted windows, correct?

17 A It's not mentioned in there, correct.

18 MR. PALMER: Thank you.

19 THE COURT: Anything else?

20 MS. SUDENDORF: Nothing else.

21 THE COURT: Detective, thank you very much,
22 you're excused.

23 (Witness excused.)

24 THE COURT: Call your next witness.